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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 20, 1993
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Sieglock, Snider, and
Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn,
Community Development Director Schroeder, Public Works
Director Ronsko, City Attorney McNatt, City Clerk Perrin
and Deputy City Clerk Nicolini

2. INVOCATION

The invocation was given by Pastor Leo Duncan, Westside Assembly.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) Ray Hirning, President of the Lodi District Chamber of Commerce,
presented the Mayor with a check in the amount of \$3,089.00 from its
Street Faire proceeds to pay for power pedestal on Oak Street between
School and Church Streets.
FILE NO. CC-7(k)

b) A request was made by Mr. Harold Klein for the annual placing of MIA
and POW ribbons along School Street between Locust Street and Lodi
Avenue during the week of November 7 - 14, 1993. Staff will be
working with Mr. Klein to take care of the appropriate forms/permits.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council,
on motion of Council Member Snider, Sieglock second, approved the
following items hereinafter set forth except those otherwise noted.

a) Agenda item #E-1 entitled, "Claims - \$1,510,221.89" was removed from
the Consent Calendar and discussed and acted upon at the end of the
agenda. (Removed by Council Member Davenport.)

b) Agenda item #E-2 entitled, "Minutes - October 6, 1993 (Regular
Meeting)" was removed from the Consent Calendar and discussed and
acted upon at the end of the agenda. (Removed by Council Member
Davenport.)

- c) Set Public Hearing for November 17, 1993 to consider Helmle Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission (bounded by the Woodbridge Irrigation District Canal on the north and east, Kettleman Lane--State Route 12--on the south and Lower Sacramento Road on the west).
FILE NO. CC-8(a)
- d) Adopted Resolution No. 93-129 completing the Richards Ranch Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission (13737 and 13845 North Cherokee Lane - APN's 062-290-18 and 062-290-07 and 2250 North Stockton Street - APN 062-290-08).
FILE NO. CC-8(a) AND CC-300
- e) Approved the specifications for bids for 33 Class 3 wood utility poles and authorized advertisement for said bids.
FILE NO. CC-12.1(b)
- f) Agenda item #E-6 entitled, "Specifications and advertisement for bids for portable tow-type sweeper, Street Division" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Accepted the improvements under the "Kofu Park Handicap Walkway" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- h) Accepted the improvements under the "Stockton Street Improvements, Lockeford Street to Turner Road" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- i) Agenda item #E-9 entitled, "Acceptance of Excavation Improvements at E-Basin (Westgate Park)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- j) Adopted Resolution No. 93-131 authorizing the purchase of one Xerox Model 5328ZTAS photocopier under terms of the Partnership and Document Processing Agreement between the County of Los Angeles and Xerox Corporation, for use in the Finance Department's Purchasing Division, in the amount of \$5,770.01.
FILE NO. CC-47 AND CC-300
- k) Agenda item #E-11 entitled, "Renewal of workers' compensation claim administration service agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- l) Agenda item #E-12 entitled, "Approve agreements with Great Western Bank for City of Lodi's Deferred Compensation Plan" was removed from

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the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

- m) Authorized the City Manager to execute an engineering contract for the Mokelumne River bank project.
FILE NO. CC-27(a), CC-90 AND CC-184

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6. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Sieglock introduced and welcomed Mr. Richard Jones, the new Executive Director of the Lodi Boys and Girls Club.

- 1. Mr. Richard Jones informed the City Council and the public about the Boys and Girls Club project called Halloween Safe House which will be open on October 31, 1993 from 5:00 - 8:00 p.m. for children to participate in fun and games, activities and to receive safe candy for Halloween. Mr. Jones encouraged parents to bring their children.
FILE NO. CC-6

- b) Mayor Pennino announced that the Gourmet Sandwich Shop across the street from the Carnegie Forum will be open during City Council evenings from 7:00 - 10:00 p.m., and they have coffee, espresso, desserts, etc. Mayor Pennino felt that this is a step in the right direction in revitalizing downtown.

Mayor Pennino further announced that the week of October 23 - 31, 1993 will be "Red Ribbon Week" which encourages citizens to participate in tobacco, alcohol and other drug prevention programs.
FILE NO. CC-37 AND CC-72

- c) Council Member Davenport thanked everyone for coming to the meeting and urged more people to attend the Shirtsleeve Sessions which are held on Tuesday mornings. Mr. Davenport further commented on the following matters: (1) the gang problem is still on-going, and we need to try to solve it; (2) informed the public that the Finance Department is going through many changes and that in the near future the Council may be asked to reclassify certain positions; (3) relayed complaints he has received about Dial-A-Ride taking up to two hours for service which is a great concern to him; (4) encouraged public input regarding the Capital Improvement Program which is scheduled for Public Hearing at the November 3, 1993 regular City Council meeting; (5) again suggested that factory outlets be considered for the downtown area's revitalization as it would be a benefit to the City; (6) expressed his concerns about the Beckman building and the money being spent on it. Mr. Davenport would rather see the money spent on making the required ADA changes; (7) stated for the record that he felt that Mayor Pennino's statement and motion at the October 6, 1993 Council meeting was a violation of the Brown Act and feels that it should have been posted on an agenda so that the public had an opportunity to speak on the matter. Mr. Davenport further stated he had a prepared statement in response to Mayor Pennino's October 6, 1993 statement (copy of which is on file in the City Clerk's office) which is available for viewing for anyone concerned.

An update was given on the status of the Beckman building by City Manager Peterson and Public Works Director Ronsko. Further, Mr. McNatt made a response that he did not feel the motion taken at the October 6, 1993 Council meeting violated the Brown Act.

Mr. Davenport expressed his opinion that the City Hall remodel project has never been formally approved, and except for the ADA requirements, the money would be better spent on a youth center.
FILE NO. CC-6, CC-15, CC-34, CC-50(b) AND CC-72

- d) Council Member Mann expressed his opinion that he feels satisfied with the City Attorney's ruling that the October 6, 1993 motion by Mayor Pennino was not a violation of the Brown Act.
FILE NO. CC-6

7. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) City Manager Peterson asked Police Chief Hansen to publicly respond to the allegations that were made public by Council Member Davenport regarding Detective Tom Harper of the Lodi Police Department.

Prior to Chief Hansen's comments, Council Member Davenport objected to Mr. Hansen speaking under "Comments by the public on non-agenda items" segment because he is a City employee and speaking at the City Manager's request. City Attorney McNatt informed the Council that Mr. Hansen is a public employee and is also a citizen and has a right to speak; however, no action can be taken.

Police Chief Hansen indicated that he has been investigating the allegations made by Mr. Davenport at the October 6, 1993 Council meeting regarding Detective Harper of the Lodi Police Department. Mr. Harper has denied making the alleged early morning phone calls and voluntarily took a lie detector test which resulted, in the opinion of the conductor of the test, in truthful responses. The computerized record of phone calls was also investigated.
FILE NO. CC-6

- b) Jack Ronsko, Public Works Director, informed the water customers that beginning October 25, 1993 and lasting six to eight days there will be a one time chlorination of the water system to run tests on the water. Mr. Ronsko ensured the public that the water is safe and there are no health problems. Some citizens may encounter a chlorine taste in the water. To rid water of the taste, let it sit out over night.
FILE NO. CC-6 AND CC-183(b)

- c) George Newmarch, no address given, expressed his opposition to adopting any policies regarding Council conduct and urged the Council to discard this matter. Mr. Newmarch did say, however, that if the Council does adopt such a policy, it should be imposed on both Council and the Council appointees, and include, in part, conflicts of interest, nepotism, rules on gifts and meals, laundering of campaign contributions, etc. Mr. Newmarch further suggested that a Mayor's Blue Ribbon Committee be formed to handle the matter.

City Attorney McNatt responded that there currently are laws and/or policies in effect that would take care of most or all of Mr. Newmarch's concerns.

FILE NO. CC-6 AND CC-16

- d) Cheryl Reinke, 420 Ravenwood Way, Lodi, made several responses to Mayor Pennino's statement of October 6, 1993 and felt that adopting any policies as Mayor Pennino suggests would be giving even more power to the City Manager. Ms. Reinke went on to complain about the alleged "Friends of Tom (F.O.T.) organization", the unsigned F.O.T. letter that was mailed out to citizens, lemon drops and crowns (a picture was shown of a crown placed on Mr. Peterson's credenza) and expressed her disgust about this irresponsible and inexcusable behavior.

City Manager Peterson again stated that he did not originate or condone the alleged F.O.T. letter.

FILE NO. CC-6 AND CC-16

- e) Cheryl Reinke with Citizens Watch Committee introduced Lydia Valdez, no address given, who read a letter regarding the death of her brother and the problems she has encountered with the Lodi Police Department's investigation of the matter. Prior to reading the letter, Mayor Pennino informed Ms. Valdez that he would like the City Attorney to stop the comments if it looks like it may hurt the current, on-going investigation of the case.

FILE NO. CC-6 AND CC-152

- f) Rita Rott, 932 Sylvia Drive, Lodi, informed the public that the East Side Cleanup Week is still in progress until Sunday, October 24, 1993, and encouraged everyone to participate by throwing out garbage in any of the 25 free dumpsters that they have available.

FILE NO. CC-6

- g) Dennis Cochran, 935 Coloma Street, Lodi, informed the Council that he would still like to be placed on the agenda to discuss his graffiti abatement proposal and that he will contact the City when he is ready with his information. Mr. Cochran also stated that he felt the release forms that the City has in its graffiti abatement program was specifically designed against him.

FILE NO. CC-6 AND CC-13

- h) Jean Davenport, 445 Almond Drive, #45, Lodi, responded to the earlier statements made by Police Chief Hansen and stated that he had his calls mixed up and had erroneous facts. Mrs. Davenport also stated she would be willing to take a lie detector test. Mrs. Davenport then gave the remainder of her five minutes to Lydia Valdez to continue with her comments.

1. Lydia Valdez continued reading her letter regarding the death of her brother. Ms. Valdez requested to know how the tips were being handled and what were the rights of victims, and further requested that Detective Fromm be removed from investigation of the case.

Mayor Pennino suggested that she meet with the City Attorney to discuss the matter.

FILE NO. CC-6 AND CC-152

- i) Rick Pelton, 1538 Fawnhaven, Lodi, encouraged the City Council, staff and the citizens of Lodi to work together as a team and not to take sides, which can often ruin a community.

FILE NO. CC-6

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider appeal received from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate issued by the Chief Building Inspector regarding property located at 1201 North Edgewood Drive, Lodi.

The Appellant requested that this matter be continued to the regular City Council meeting of December 15, 1993.

ACTION:

The City Council, on motion of Council Member Davenport, Snider second, continued the public hearing regarding the appeal of Maurice O. Ray to December 15, 1993.

FILE NO. CC-53(b)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the continued Public Hearing to consider Resolution/Order to Vacate the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street.

Hearing opened to the public

- 1. Jerry DeYoung, Deacon at Providence Reformed Church, 245 East Vine Street, Lodi (support). Mr. DeYoung further read letters from the following:

- a) Lodi Church of God (Seventh Day), Lodi (support)

- b) Eric B. Straub, 841 Washington Street, Lodi (support)

- 2. Bill Hrovat, 1556 Iris Drive, Lodi (opposed; however, willing to work out an agreement); and

- 3. Frank Alegre, 2000 Edgewood Drive, Lodi (opposed).

Public portion of hearing closed

ACTION:

Council Member Davenport made a motion to not abandon the alley, and the motion died for lack of a second.

Further, the City Council, on motion of Council Member Sieglock, Snider second, unanimously continued discussion of the matter to the regular City Council meeting of November 3, 1993.
FILE NO. CC-6 AND CC-45(a)

9. RECESS

Mayor Pennino called for a ten-minute recess and the meeting reconvened at approximately 9:32 p.m.

10. PUBLIC HEARINGS (Con'td.)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the continued Public Hearing to consider Resolution/Order to Vacate the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane.

Hearing opened to the public

1. Dick Neuman, 520 Virginia Avenue, Lodi (opposed, but later said to "go ahead" with abandonment);
2. Paul and Sheryll Salsedo, 542 East Walnut Street, Lodi (support);
3. Arthur Veil, 11662 North Ham Lane #39, Lodi (support);
4. Rosemary Martinez, 2204 Newbury Circle, Lodi (opposed); and
5. Donald Firenze, ARCO, 5234 Appellate Court, Carmichael (opposed).

Public portion of hearing closed

ACTION:

The City Council, on motion of Council Member Sieglock, Davenport second, unanimously continued discussion of this matter to the regular City Council meeting of November 17, 1993.
FILE NO. CC-6 AND CC-45(a)

11. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Snider, Pennino second, unanimously rejected the following claims and referred them back to ICA:

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1. Pearl E. Allen, date of loss 9/27/93
 2. Luella Suckut, date of loss 9/30/93
FILE NO. CC-4(c)
- b) City Clerk Perrin read the following ABC Licenses:
1. Anupam K. Sidhu, El Tokay, 10 East Tokay Street, Lodi, Off Sale Beer and Wine, Person to Person Transfer; and
 2. Beverly J. Vosburgh, B. J.'s, 548 South Sacramento Street, Lodi, On Sale Beer and Wine Public Premises, Person to Person Transfer.
FILE NO. CC-7(f)
- c) The following reports were presented to the City Council:
1. Planning Commission Report of October 11, 1993.
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Mann, Sieglock second, unanimously directed the City Clerk to post for the following two vacancies on the Greater Lodi Area Youth Commission:
- GREATER LODI AREA YOUTH COMMISSION
- Mary Fritts
Debra Parkins
- FILE NO. CC-2(t)
- e) Following receipt of letter received from Mr. Jonathan L. Cope regarding reclamation of Lodi Lake, the City Council referred the matter to staff and to the Parks and Recreation Commission for discussion and review.
FILE NO. CC-2(h) AND CC-27(a)

12. RECESS

Mayor Pennino declared a ten-minute recess and the City Council meeting reconvened at approximately 10:40 p.m.

13. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Snider second, adopted Resolution No. 93-133 approving the schedule of non-resident fees for sports activities by the following vote:
- Ayes: Council Members - Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport and Mann
Absent: Council Members - None

Speaking on the matter were the following persons:

1. Terry Wisdom, 19690 Highway 99, Acampo (opposed);
2. Diana Slawson, P.O. Box 2441, Clements (support);
3. Frank Alegre, 2000 Edgewood Drive, Lodi (support);
4. Debra Miller, P.O. Box 1316, Lockeford (support); and
5. Bob Johnson, Chairman, Parks and Recreation Commission.

FILE NO. CC-40, CC-56 AND CC-300

14. MEETING TO CONTINUE FOLLOWING 11:00 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

15. REGULAR CALENDAR (Con'td.)

- a) The City Council received a report by Mike Nilssen, Life Medical Industries, regarding the ambulance company merger.
FILE NO. CC-6 AND CC-22(d)

- b) Following discussion regarding the City-wide Efficiency Study Committee, Council Member Mann made a motion to approve a \$1,000 stipend from the Contingent Fund to each appointed committee member upon successful completion of the study. The motion died for lack of a second.

Further the City Council, on motion of Mayor Pennino, Davenport second, unanimously tabled the matter until the regular City Council meeting of November 3, 1993 so that formalized guidelines regarding the Committee may be adopted.
FILE NO. CC-2(a) AND CC-6

- c) The City Council, on motion of Council Member Mann, Sieglock second, approved the revised Storm Drainage Agreement between the Woodbridge Irrigation District and the City and authorized the City Manager to execute the agreement and appropriate an additional \$13,056.00 to the Storm Drain Maintenance Account by the following vote:

Ayes: Council Members - Mann, Sieglock and Snider
Noes: Council Members - Davenport and Pennino (Mayor)
Absent: Council Members - None

Speaking in favor of the matter was Anders Christensen with the Woodbridge Irrigation District.
FILE NO. CC-90 AND CC-176

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- d) The City Council received a report from the Finance Director regarding the Teeter Plan (property tax distribution). Mayor Pennino made a motion to table the matter until further information was received. The motion died for lack of a second.

Council Member Davenport made a motion to not adopt the Teeter Plan. The motion died for lack of a second.

Further, on motion of Council Member Snider, Pennino second, the City Council tabled the matter until November 3, 1993 for further information, by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6 AND CC-21(a)

- e) The City Council, on motion of Council Member Mann, Snider second, authorized the staff to hire a college intern to assist with economic development projects for one college semester by the following vote:

Ayes: Council Members - Mann, Snider and Pennino (Mayor)
Noes: Council Members - Davenport and Sieglock
Absent: Council Members - None

FILE NO. CC-34 AND CC-400

16. ORDINANCES

None.

17. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Pennino second, approved the claims in the amount of \$1,510,221.89 and directed staff to create a separate line item specifically for refuse/garbage by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Pennino
(Mayor)
Noes: Council Members - Snider
Absent: Council Members - None

FILE NO. CC-21(a)

- b) The City Council, on motion of Council Member Davenport, Snider second, unanimously adopted the regular minutes of October 6, 1993 with the addition of language regarding Mr. Davenport's opposition to the motion that was made to direct the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action.

Further, Council Member Davenport filed with the City Clerk for the officials records, a memorandum directed to the Council Members in regards to Mayor Pennino's October 6, 1993 letter (copy of which is on file in the City Clerk's office).
FILE NO. CC-1(b)

- c) The City Council, on motion of Council Member Davenport, Snider second, unanimously approved the specifications for a portable tow-type sweeper and authorized the advertising for bids.
FILE NO. CC-12.1(b)
- d) The City Council, on motion of Mayor Pennino, Davenport second, unanimously adopted Resolution No. 93-130 accepting the excavation improvements for E-Basin (Westgate Park).
FILE NO. CC-90 AND CC-300
- e) The City Council, on motion of Council Member Mann, Pennino second, unanimously approved the renewal of the workers' compensation claim administration service agreement with Associated Claims Management Inc. and further directed that staff look into the possibility next year of providing this service in-house.
FILE NO. CC-90
- f) Following discussion regarding the agreements with Great Western Bank for the City of Lodi's Deferred Compensation Plan, Council Member Davenport made a motion to table the matter until the next meeting. The motion died for lack of a second.

Further the City Council, on motion of Mayor Pennino, Mann second, adopted Resolution No. 93-132 authorizing the City Manager to execute the agreements with Great Western Bank for the City's Deferred Compensation Plan by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-90 AND CC-300

18. CLOSED SESSION

The City Council adjourned to a Closed Session to discuss the following matters:

- a) Property acquisition - property located at 400 Beckman Road, Lodi (Minton Building)
- b) Threatened litigation - Debra Watson v. City of Lodi

The City Council meeting reconvened at approximately 1:16 a.m.
FILE NO. CC-200(c) AND CC-200(d)

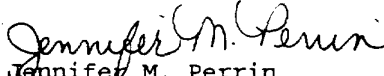
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19. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 1:16 a.m., October 21, 1993.

ATTEST:


Jennifer M. Perrin
City Clerk